

FORM PTO-1390
(REV 07-06)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

11336.0033USWO

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

Filed here with

10/589159

INTERNATIONAL APPLICATION NO.

PCT/IB2005/000330

INTERNATIONAL FILING DATE

February 10, 2005

PRIORITY DATE CLAIMED -

February 11, 2004

TITLE OF INVENTION

CONTROLLED RELEASE PHARMACEUTICAL COMPOSITIONS WITH IMPROVED BIOAVAILABILITY

APPLICANT(S) FOR DO/EO/US

PILGAONKAR et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ A signed oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Form PCT/RO/101, Form PCT/RO 101 (replacement sheet), Form PCT/IB/301, Form PCT/IB/304, Form PCT/IB/306, Form PCT/RO/146, Form PCT/RO/132, PCT/RO198, Copy of letter dated July 18, 2006 to International Bureau for Recording of changes under rule 92 bis informing addition of Inventors

10 AUG 2006

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) Filed here within 10/589159	INTERNATIONAL APPLICATION NO. PCT/IB2005/000330	ATTORNEY'S DOCKET NUMBER 11336.0033USWO
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BASIC NATIONAL FEE (37 CFR 1.492(a) (1)-(5)): [X] a) Basic National fee (37 CFR 1.492(a)).....\$300.00	\$300.00
[X] b) Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 All other situations.....\$200.00	\$200.00
[X] c) Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....\$400.00 All other situations.....\$500.00	\$500.00

TOTAL OF ABOVE CALCULATIONS =	\$1,000.00
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Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.	
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Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	Rate
34 - 100 =	0 / 50 =		X \$250.00
			\$0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$0.00
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CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	32 - 20 =	12	X \$50.00
			\$600.00
Independent claims	3 - 3 =	0	X \$200.00
			\$0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00
			\$0.00

TOTAL OF ABOVE CALCULATIONS =	\$1,600.00
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Reduction by 1/2 for filing by small entity, if applicable. Small entity status is claimed pursuant to 37 CFR 1.27	\$0.00
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SUBTOTAL =	\$1,600.00
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Processing fee of \$130.00 for furnishing the English translation later than [] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).	+ \$0.00
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TOTAL NATIONAL FEE =	\$1,600.00
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Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property	+ \$40.00
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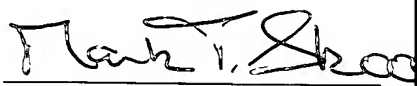
TOTAL FEES ENCLOSED =	\$1,640.00
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Amount to be refunded:	\$0.00
charged	\$0.00

- a. [X] Check(s) in the amount of \$1,600.00, \$40.00 to cover the above fees is enclosed.
- b. [] Please charge my Deposit Account No. in the amount of \$ to cover the above fees.
- c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. .

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:
Mark T. Skoog
MERCHANT & GOULD
P.O. Box 2903
Minneapolis, MN 55402-0903

SIGNATURE: 
NAME: Mark T. Skoog
REGISTRATION NUMBER: 40,178

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: PILGAONKAR et al.

Docket: 11336.0033USWO

IAPS Rec'd PCT/PTO 10 AUG 2006

Title: CONTROLLED RELEASE PHARMACEUTICAL COMPOSITIONS WITH IMPROVED BIOAVAILABILITY

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 841295108 US

Date of Deposit: August 10, 2006

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop: PCT, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450.

By: 

Name: John Junkers

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.10.
- ☒ National Stage PCT of PCT/IB2005/000330 Patent Application: Spec. 26 pgs; 32 claims; Abstract 0 pgs. The fee has been calculated as shown below in the 'Claims as Filed' table.
- ☒ 3 sheets of formal drawings
- ☒ A signed Combined Declaration and Power of Attorney
- ☒ Assignment of the invention to Rubicon Research Private Limited, Recordation Form Cover Sheet
- ☒ A check in the amount of \$1600.00 to cover the Filing Fee
- ☒ A check for \$40.00 to cover the Assignment Recording Fee.
- ☒ Application Data Sheet, 5 pages.
- ☒ Form 1390
- ☒ Other: Preliminary Amendment, International Publication WO 2005/079752 A2, Form PCT/RO/101, Form PCT/RO 101 (replacement sheet), Form PCT/IB/301, Form PCT/IB/304, Form PCT/IB/306, Form PCT/RO/146, Form PCT/RO/132, PCT/RO198, Copy of letter dated July 18, 2006 to International Bureau for Recording of changes under rule 92 bis informing addition of Inventors
- ☒ Return postcard

CLAIMS AS FILED

Number of Claims Filed	No.	In Excess of	Extra	Rate	Fee
Total Claims	32	20	12	\$50.00	\$600.00
Independent Claims	3	3	0	\$200.00	\$0.00
Multiple Dependent Claims Fee					\$0.00
Basic Filing Fee					\$300.00
Search Fee					\$500.00
Examination Fee					\$200.00
Utility Application Size Fee	34	100	0	\$250.00	\$0.00
Total					\$1,600.00

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903 Minneapolis, MN 55402-0903
612.332.5300

By: 

Name: Mark T. Skoog

Reg. No.: 40,178

Initials: MTS/ncb

23552

PATENT TRADEMARK OFFICE

PTO TRANSMITTAL - NEW FILING)

Ms Corina Raccurt
International Bureau of WIPO
34, Chemin des Colombettas
1211, Geneva, 20, Switzerland

Via Fax & Courier
00 41 22 338 7060

July 18, 2006

Dear Madam

Re : **RECORDING OF CHANGES UNDER RULE 92 bis**
PCT International Application No. PCT/IB2005/000330
International Filing Date : February 20, 2005
Title: Controlled Release Pharmaceutical Compositions with Improved Bioavailability
Applicant: Rubicon Research PVT Limited
Priority: AU 2004900661 of 11/02/2004
Applicants' File Ref.: 24947/1-PCT

Please refer to the telephonic discussion yesterday on the present application.

As mentioned during the telecon, the names of three inventors (**RUSITOMJEE, Maharukh, T; GANDHI, Anilkumar, and BAGDE, Pradnya, M**) were inadvertently missed during filing Request for the present application. Accordingly by our letter of May 6, 2005 we had requested the IB to issue notification recording incorporation of additional inventors under PCT rule 92 *bis*.. For the purpose we had also sent amended PCT Request for PCT/RO/101. (Copy of the said letter with enclosures are enclosed)

In the mean time we have received a PCT/IB/306 form (date of mailing April 28, 2005) mentioning the said names as additional applicant and inventor for USA only under paragraph 2 and checking the box of applicant under paragraph 1. Based on this form the PCT publication took place. In the said publication WO 2005/078752 A2 the names of the above inventors appear under column 71 (Applicants for US only) and not in column 72 (Inventors) and column 75 (Inventor/Applicant).

In the present situation as discussed, we request you to kindly issue a notification under Rule 92*bis*. reflecting the names of the above persons as inventors and inventors/applicants (for US only). We are about to enter the national phase for the present application and the correct names of the inventors need to be reflected to effect the national phase applications.

Please confirm receipt of this letter and kindly issue a notification for recordal of the above change.

Yours faithfully,

RUBICON RESEARCH PRIVATE LIMITED



Date: 18th July 2006

PILGAONKAR, Pratibha

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